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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.             | CONFIRMATION NO.            |
|--|-------------|----------------------|---------------------------------|-----------------------------|
| 10/767,588   | 01/29/2004  | Thomas J. Daley      | 069547.0173                     | 6169                        |
| 5073   | 7590        | 01/11/2008           |                                 |                             |
| BAKER BOTTS L.L.P.<br>2001 ROSS AVENUE<br>SUITE 600<br>DALLAS, TX 75201-2980 |             |                      | EXAMINER<br>HAVAN, THU THAO     |                             |
|  |             |                      | ART UNIT<br>3693                | PAPER NUMBER                |
|  |             |                      | NOTIFICATION DATE<br>01/11/2008 | DELIVERY MODE<br>ELECTRONIC |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ptomail1@bakerbotts.com  
glenda.orrantia@bakerbotts.com

|                              |                        |                     |  |
|------------------------------|------------------------|---------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b> | <b>Applicant(s)</b> |  |
|                              | 10/767,588             | DALEY ET AL.        |  |
|                              | <b>Examiner</b>        | <b>Art Unit</b>     |  |
|                              | Thu Thao Havan         | 3693                |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 29 January 2004.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-52 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-52 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 29 January 2004 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    - a) All    b) Some \* c) None of:
      1. Certified copies of the priority documents have been received.
      2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
      3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | Paper No(s)/Mail Date: _____.                                     |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>See Continuation Sheet</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application |
|   | 6) <input type="checkbox"/> Other: _____.                         |

Continuation of Attachment(s) 3). Information Disclosure Statement(s) (PTO/SB/08), Paper No(s)/Mail Date :12/11/07; 12/11/07; 11/27/07; 11/15/07; 5/17/07; 4/9/07; 2/16/07; 1/11/07; 12/28/06; 3/3/06; 11/15/05; 1/29/04; .

**Detailed Action**

***Drawings***

The Examiner accepts the drawings filed on January 29, 2004.

**Claim Rejections - 35 USC § 103**

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Korhammer et al. (US (US 2004/0236662) and in view Pourhamid (US 2004/0210505).

Re claims 1, 8-9, 11-12, 28-30, 36, 44, and 46, Korhammer teaches a system for routing a trading order (para. 0001), comprising:

- a memory operable to store policy information, cost information, and rebate information associated with a plurality of market centers (figs. 3 and 5);
- a processor coupled to the memory and operable to (figs. 5-6):
  - receive a trading order specifying a trading product (para. 0003);
  - receive a plurality of market center prices for the trading order (fig. 8b);
  - receive best price information for the trading product (para. 0003);
  - adjust at least one market center price according to the policy information of the corresponding market center and the best price information (para. 0004);

adjust at least one market center price according to at least one of the cost information corresponding market center (figs. 10-11);  
compare the plurality of market center prices (para. 0019); and  
select a particular market center based at least in part upon the comparison (para. 0052). However, Korhammer does not explicitly teach rebate information. On the other hand, Pourhamid discloses rebate information (para. 0002 and 0043; figs. 1 and 3). He discloses credit coupons for stocks on the issuing company. These credit coupons will convert into valuable stocks. These credit coupons are valuable rebate information to later on be converted into stocks. Thus, it would have been obvious to one of ordinary skill in the art to include rebate information as a credit coupons as discloses in Pourhamid.

Re claims **2, 19-20, 37, and 42**, Korhammer teaches trading order specifies at least one of a bid request and an offer request for the trading product, the trading order further specifying a quantity for the trading product (para. 0037).

Re claims **3, 21, and 38**, Korhammer teaches a financial instrument (para. 0018).

Re claims **4, 22, 39, and 43**, Korhammer teaches processor is further operable to route the trading order to the selected market center (para. 0034).

Re claims **5, 7, 10, 13-18, 23-26, 32, 34, 40, 45, and 47-52**, Korhammer teaches each market center price comprises at least one of a bid price and an offer price for the trading product (para. 0052).

Re claims **6, 27, 31, 33, 35, and 41**, Korhammer teaches policy information indicates whether a particular market center will match, split, or disregard the best price information (para. 0054).

### **Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thu Thao Havan whose telephone number is (571) 272-8111. The examiner can normally be reached during her flextime schedule.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Kramer can be reached on (571) 272-6783. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <<http://pair-direct-uspto.gov/>>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at (866) 217-9197 (toll-free).

*Thu Thao Havan*  
Thu Thao Havan  
Art Unit: 3693  
12/31/07